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March 20, 2020

Hon. Ann M. Donnelly, U.S.D.J.  
United States District Court  
Eastern District of New York  
225 Camden Plaza East  
Brooklyn, NY 11201

***Re: Gomez v. Lamanna***  
***Case No. 18cv07252-AMD-LB***

Dear Judge Donnelly:

To follow-up on my previous letter, I am writing to inform the Court that petitioner Ynmaculada Gomez ("Petitioner") has retained my firm to represent her in these proceedings. I think it would be prudent at some point in the near future to discuss two issues so that this matter can proceed in an expeditious and efficient manner, preferably by telephone conference in light of recent events.

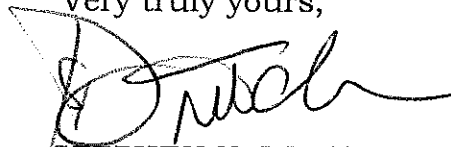
First, it is my belief that, at this time, there is no further need for her to exhaust her state court remedies. As I understand it, on her direct state court appeal, Petitioner in a *pro se* supplemental brief argued that her trial court counsel was deficient. The Appellate Division determined that Petitioner was improperly relying on material that was outside the record and therefore her argument was more properly the subject of a "440 Petition," which is typically a vehicle for state court prisoners to seek relief based on newly discovered evidence. From what I can tell, no such proceeding has been commenced, and Petitioner is now seeking information from the local authorities that might validate that assertion. At this time, I take no position on that argument except to say that it

should not preclude the Court from considering Petitioner's current habeas petition.

Second, assuming Your Honor allows the petition to proceed, I would request the opportunity to submit a supplemental brief in support of the petition, which I expect will focus on Petitioner's argument that the trial court judge's highly inflammatory comments to potential jurors during jury selection deprived Petitioner of her right to a fair trial.

I appreciate Your Honor's attention to this matter.

Very truly yours,



STEPHEN N. DRATCH

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